IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

THURSDAY, THE 25TH JANUARY 2007 / 5TH MAGHA 1928

LA.App..No. 36 of 2005(D)

LAR.245/2001 of ADL.SUB COURT, THALASSERY
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APPELLANT:
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1. THAYYIL PUTHIYAPURAYIL SANTHA,
W/O.RAMAN, AGED 54 YEARS,
NO OCCUPATION, CHERIYAKKADAVATH HOUSE,
MAKRERI AMSOM, KILALOOR DESOM,
P.O.BAVODE, PIN-670 622, KANNUR DISTRICT.

2. THAYYIL PUTHIYAPURAYIL DEVAKI,
W/O.LATE PAITHAL, AGED 85 YEARS,
OYALAYIL HOUSE, ELAMPARA P.O.

BY ADV. SRI.R.SURENDRAN
SMT.P.GOPIKA

RESPONDENTS:

SPECIAL TAHSILDAR (L.A), AIRPORT,
KANNUR, MATTANNUR, KANNUR DISTRICT.

BY GOVT.PLEADER SRI.K.V.MANOJ KUMAR

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 25/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & A.K.BASHEER,JJ.

L.A.A.No.36 of 2005

Dated this the 25th day of January, 2007

JUDGMENT

Kurian Joseph,J.

This appeal is against the judgment and decree in L.A.R.No.245/2001 on the file of the Additional Sub Court, Thalassery. It is submitted that in connected matters this court has set aside the judgments and remitted the matter to the reference court for fresh consideration, in the judgment in L.A.A.No.556/2005. For parity of reasons we allow this appeal, set aside the judgment and decree in L.A.R.No.245/2001 and remit the matter to the reference court. It will be open to the parties to adduce fresh evidence.

Since the matter is remanded the appellants will be entitled to refund of the court fee.

(KURIAN JOSEPH, JUDGE)

(A.K.BASHEER, JUDGE)

ahg.